

REMARKS/ARGUMENTS

The following is provided in response to the Notice of Non-Compliant Amendment dated April 22, 2009 and the Failure to Acceptably Respond to the Notice of Non-Compliant Amendment dated August 13, 2009.

Claims 11-15 and 21-25 are pending in the application. The Amendment filed February 10, 2009, amended Claims 11, 13, and 15 without introducing any new matter.

Applicant acknowledges with appreciation the courtesy of Primary Examiner Gay Spahn in conducting a telephonic interview with the Applicants' representative on August 17, 2009 and August 21, 2009. In combination with the Interview Summaries provided by Primary Examiner Spahn, the substance of the interview is summarized below.

Under 37 C.F.R. § 1.25(c), a substitute specification submitted must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. As discussed in the telephonic interview, the *specification as originally filed* is noted as the "immediate prior version of the specification of record," as the substitute specification filed May 13, 2009 was not accepted.<sup>1</sup>

With regard to the Continuation of 1(c) of the Notice of Non-Compliant Amendment, submitted herewith is a Substitute Specification including an Abstract which is requested to replace the specification as originally filed. The enclosed Substitute Specification, including Abstract, includes no new matter.

With regard to the Continuation of 2(b) of the Notice of Non-Compliant Amendment and the Continuation sheet of the Failure to Acceptable Respond, the attached Substitute Specification includes an Abstract as the Amendment to the Abstract filed May 13, 2009 was not accepted.<sup>2</sup> Applicant notes that attached Abstract is double-spaced.

---

<sup>1</sup> See Failure to Acceptably Respond to the Notice of Non-Compliant Amendment dated August 13, 2009.

<sup>2</sup> Id.

Application No. 10/574,288  
Reply to Notice of Non-Compliant Amendment of April 22, 2009

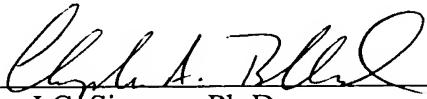
As discussed in the telephonic interview, the Failure to Acceptably Respond states that "only the corrected section of the non-compliant amendment document must be resubmitted." Furthermore, the Failure to Acceptably Respond only indicates that the Amendments to the Specification section requires correction. In accordance with MPEP § 714 II F(C), only the Amendments to the Specification and Remarks are submitted herewith.

Based on the telephonic interview with the Examiner, it is the Applicant's understanding that the filing the attached substitute specification in compliance with 37 C.F.R. § 1.125 will place in the Amendment filed February 10, 2009 in compliance.

Should the Examiner deem that any further good-faith action is necessary to advance the amendment filed February 10, 2009, towards allowance, the Examiner is strongly encouraged to contact the Applicant's undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Philippe J.C. Signore, Ph.D.  
Attorney of Record  
Registration No. 43,922

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

Christopher A. Bullard  
Registration No. 57,644